



A33626 067252.0105  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Leonard A. Smith et al.  
Serial No. : 09/611,419 Examiner : Portner, VA  
Filed : July 6, 2000 Group Art Unit : 1645  
For : RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

**TERMINAL DISCLAIMER**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 3, 2003

Date of Deposit

Carmella L. Stephens

Attorney Name

41,328

PTO Registration No.

*Carmella L. Stephens*  
Signature

December 3, 2003

Date of Signature

Mail Stop: After Final  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The United States of America as represented by the Secretary of the Army, the owner of the entire interest in U.S. Application Serial No. 09/611,419 filed on July 6, 2000 for RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN, hereby disclaims,

except as provided below, the terminal part of the term of any patent granted on the above-captioned application Serial No. 09/611,419 that would extend beyond the expiration date of commonly owned U.S. Patent No. 6,495,143, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to such patent so granted shall be the same as the legal title to U.S. Patent No. 6,495,143.

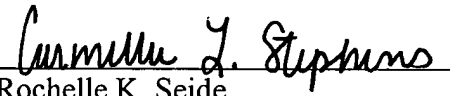
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of U.S. Patent No. 6,495,143, in the event that U.S. Patent No. 6,495,143 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has the authority to execute this Terminal Disclaimer on behalf of The United States of America as represented by the Secretary of the Army, has reviewed the above-referenced assignment, and hereby certifies that, to the best of her knowledge and belief, title is in the assignee on whose behalf this terminal disclaimer is being filed. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the assignee, its successors or assigns.

Respectfully submitted,

BAKER BOTTS, L.L.P.

December 3, 2003

  
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USAMRMC  
STAFF JUDGE ADVOCATE  
FORT DETRICK, MD

2001 MAY 21 PM 3:46  
MAY 16, 2001



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PTAS  
U.S. ARMY MEDICAL RESEARCH AND MATERIEL  
ELIZABETH ARWINE  
COMMAND, ATTN: MCMR-JA  
504 SCOTT STREET FORT DETRICK  
FREDERICK, MD 21702-5012



\*101635776A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 03/14/2001

REEL/FRAME: 011570/0938  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMITH, LEONARD A.

DOC DATE: 02/12/2001

ASSIGNOR:

BYRNE, MICHAEL P.

DOC DATE: 02/16/2001

ASSIGNOR:

MIDDLEBROOK, JOHN L.

DOC DATE: 02/14/2001

ASSIGNOR:

LAPEONTIERE, HUGH

DOC DATE: 02/13/2001

ASSIGNOR:

CLAYTON, MICHAEL A.

DOC DATE: 02/12/2001

ASSIGNOR:

BROWN, DOUGLAS R.

DOC DATE: 02/08/2001

011570/0938 PAGE 2

ASSIGNEE:

ARMY, UNITED STATES OF AMERICA, AS  
REPRESENTED BY THE SECRETARY OF,  
THE

U.S. ARMY MEDICAL RESEARCH AND  
MATERIEL COMMAND ATTN: MCMR-JA  
504 SCOTT STREET, FROT DETRICK  
FREDERICK, MARYLAND 21702-5012

SERIAL NUMBER: 09611419  
PATENT NUMBER:

FILING DATE: 07/06/2000  
ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595 (Modified)  
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101635776

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy there

## 1. Name of conveying party(ies):

Leonard A. Smith; Michael P. Byrne; John L. Middlebrook  
Hugh LaPenotiere; Michael A. Clayton; and Douglas R.  
Brown

## 2. Name and address of receiving party(ies):

Name: United States ArmyAddress: U.S. Army Medical Research andMaterial CommandATTN: MCMR-JA504 Scott Street, Fort DetrickCity: FrederickState/Prov.: MDCountry: U.S.A.ZIP: 21702-5012Additional names(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution Date: 12Feb;16Feb;14Feb;13Feb;12Feb;8Feb2001Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

09/611,419July 6, 2000

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: ELIZABETH ARWINERegistration No. 45,867Address: U.S. Army Medical Research and MaterielCommand, ATTN: MCMR-JA504 Scott Street, Fort DetrickCity: FrederickState/Prov.: MDCountry: U.S.A.ZIP: 21702-50126. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):.....\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

## 8. Deposit account number:

21-0380

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

ELIZABETH ARWINE

Name of Person Signing

Elizabeth Arwine

Signature

21 Feb 2001

Date

Total number of pages including cover sheet, attachments, and document: 6

**ASSIGNMENT OF INVENTION**

For use of this form, see AR 27-60; the proponent agency is OTJAG

Title of Invention: RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXINInventor(s) Leonard Smith; Michael Byrne; John Middlebrook; Hugh LaPenotiere; Michael Clayton; and\*Application Serial No.: 09/611,419

Douglas Brown

\*Date Oath Executed: 6Feb01; 16Feb01; 14Feb01;  
13Feb01; 12Feb01; \*Filing Date: July 6, 2000  
8Feb01

(\*Data not known at execution may be added for better identification.)

I (We), the undersigned inventor(s), in consideration of the rights of the Government of the United States acquired by virtue of the circumstances under which the above-entitled invention was made, hereby:

1. Assign to the Government of the United States, as represented by the Secretary of the Army, the entire right, title and interest throughout the United States, its Territories, Possessions, and Puerto Rico, in and to the above-entitled invention and application for patent and all Letters Patent issuing thereon, and any continuation, continuation-in-part or division of said application and any reissue or extension of said Letters Patent.

2. Agree to assign to the Government upon its request, title and interest in the invention in those foreign countries in which the Government, within eight months of the filing of the United States application for patent, determines to cause an application to be filed; provided that if the Government determines not to cause an application to be filed in any particular foreign country or fails to make such a determination, within the said eight months, all right, title and interest in the invention in such foreign country shall remain in me (us), subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent which may issue on the invention in such foreign country, including the power to issue sublicenses for use in behalf of the Government and/or furtherance of the foreign policies of the Government.

3. Agree to provide any further information within my (our) knowledge and to execute any further documents necessary to the prosecution of patent applications on the invention, the prosecution and settlement of interferences and recording of title to patent applications and patents issuing thereon.

Signature of Inventor:

LeonardaSmith

(First name)

(Middle Initial)

(Last name)

Duty Address: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

(Locality)

(County)

(State)

Date: 12 Feb 01Typed Name of Inventor: LEONARD A. SMITH

\*\*\*\*\*

State of: MarylandCounty of: Frederick

) SS

On the above date

LEONARD A. SMITH

and who executed the foregoing instrument duly appeared before me and acknowledged to me that the same as his own free act and deed.

known to me to be the individual described in

(SEAL)

Joan M. Fry  
(Signature of notary public)My Commission expires on October 1, 2004

## SUPPLEMENTAL SIGNATURE SHEET

For use of this form, see AR 27-60; the proponent agency is OTJAG

Use this form with DA Forms 2873-R and 2874-R when additional signature blocks are needed.

## 1. ASSIGNOR(s) OR LICENSOR(s) NAME(s)

Leonard A. Smith; Michael P. Byrne; John L. Middlebrook;  
Hugh LaPenotiere; Michael A. Clayton; and Douglas R. Brown2. APPLICATION SERIAL NUMBER  
09/611,419

3. FILING DATE

July 6, 2000

## 4. TITLE OF INVENTION

RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

SIGNATURE OF INVENTOR:

Michael  
(First name)P.  
(Middle initial)Byrne  
(Last name)

DUTY ADDRESS: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

DATE SIGNED: 16 Feb 01INVENTOR'S TYPED NAME: MICHAEL P. BYRNE

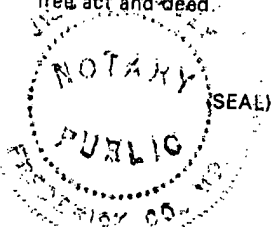
\*\*\*\*\*

STATE OF MARYLANDCOUNTY OF FREDERICK

) SS.

On the above date  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

MICHAEL P. BYRNE

known to me to be the individual described in and who  
executed the same as his ownJill L. Tracey  
Jill L. Tracey (Signature of notary public)My Commission expires on December 1, 2001

SIGNATURE OF INVENTOR:

John  
(First name)L.  
(Middle initial)Middlebrook  
(Last name)

DUTY ADDRESS: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

DATE SIGNED: February 14, 2001INVENTOR'S TYPED NAME: JOHN L. MIDDLEBROOK

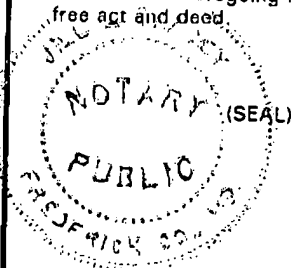
\*\*\*\*\*

STATE OF MarylandCOUNTY OF Frederick

) SS.

On the above date  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

JOHN L. MIDDLEBROOK

known to me to be the individual described in and who  
executed the same as his ownJill L. Tracey  
Jill L. Tracey (Signature of notary public)My Commission expires on December 1, 2001



## SUPPLEMENTAL SIGNATURE SHEET

For use of this form, see AR 27-60; the proponent agency is OTJAG

Use this form with DA Forms 2873-R and 2874-R when additional signature blocks are needed.

## 1. ASSIGNOR(s) OR LICENSOR(s) NAME(s)

Leonard A. Smith; Michael P. Byrne; John L. Middlebrook;  
Hugh LaPenotiere; Michael A. Clayton; and Douglas R. Brown2. APPLICATION SERIAL NUMBER  
09/611,419

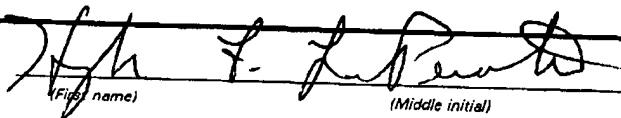
3. FILING DATE

July 6, 2000

## 4. TITLE OF INVENTION

RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

SIGNATURE OF INVENTOR:

  
(First name) (Middle initial) (Last name)

DUTY ADDRESS: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

DATE SIGNED: 13 Feb 2001

INVENTOR'S TYPED NAME: HUGH LAPENOTIERE

\*\*\*\*\*

STATE OF

Maryland

COUNTY OF

Frederick

) SS.

On the above date HUGH LAPENOTIERE known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own free act and deed.

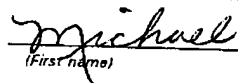
(SEAL)

  
(Signature of notary public)

My Commission expires on

October 1, 2004

SIGNATURE OF INVENTOR:

  
(First name) (Middle initial) (Last name)

DUTY ADDRESS: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

DATE SIGNED: 12 Feb 01

INVENTOR'S TYPED NAME: MICHAEL A. CLAYTON

\*\*\*\*\*

STATE OF

Maryland

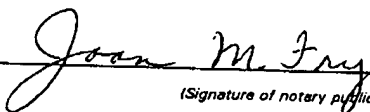
COUNTY OF

Frederick

) SS.

On the above date MICHAEL A. CLAYTON known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own free act and deed.

(SEAL)

  
(Signature of notary public)

My Commission expires on

October 1, 2004

## SUPPLEMENTAL SIGNATURE SHEET

For use of this form, see AR 27-60; the proponent agency is OTJAG

Use this form with DA Forms 2873-R and 2874-R when additional signature blocks are needed.

## 1. ASSIGNOR(s) OR LICENSOR(s) NAME(s)

Leonard A. Smith; Michael P. Byrne; John L. Middlebrook;  
Hugh LaPenotiere; Michael A. Clayton; and Douglas R. Brown2. APPLICATION SERIAL NUMBER  
09/611,419

3. FILING DATE

July 6, 2000

## 4. TITLE OF INVENTION

RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

SIGNATURE OF INVENTOR:

*Douglas R. Brown*  
(First name) (Middle initial) (Last name)

DUTY ADDRESS: U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick MD 21702-5011

DATE SIGNED: 08 FEB 01

INVENTOR'S TYPED NAME: DOUGLAS R. BROWN

\*\*\*\*\*

STATE OF

*Distrit of Columbia*

COUNTY OF

*Washington*

) SS.

On the above date DOUGLAS R. BROWN known to me to be the individual described in and who  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

(SEAL)

*Frankie L. Tyson*

(Signature of notary public)

Frankie L. Tyson

Notary Public, District of Columbia

My Commission expires on

My Commission Expires 12/28/01

SIGNATURE OF INVENTOR:

(First name)

(Middle initial)

(Last name)

DUTY ADDRESS:

DATE SIGNED:

INVENTOR'S TYPED NAME:

\*\*\*\*\*

STATE OF

COUNTY OF

) SS.

On the above date known to me to be the individual described in and who  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

(SEAL)

(Signature of notary public)

My Commission expires on